

SIKKIM



GOVERNMENT

GAZETTE

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No. 267

**HIGH COURT OF SIKKIM,
GANGTOK**

No. 28/HCS

Dated: 01.08.2023

NOTIFICATION

In exercise of the powers conferred by Section 28 of the Right to Information Act, 2005 (22 of 2005) the Hon'ble, the Chief Justice of the High Court of Sikkim hereby makes the following Rules:-

1. Short title and commencement.

- (1) These Rules may be called the High Court of Sikkim and District Courts Right to Information (Online RTI Application) Rules, 2023.
- (2) They shall come into force immediately.

2. Definitions.

- (1) In these Rules, unless the context otherwise requires:
 - (a) **"Act"** means the Right to Information Act, 2005;
 - (b) **"Appellate Authority"** means the officer appointed to hear first appeals under Section 19 (1) of the Act;
 - (c) **"Administrator"** means an Officer appointed by the Chief Justice in the High Court or by the District Judge in the District Court, as the case may be, for administering and dealing with matters connected with or relating to online RTI application filed in the High Court or the District Court and includes such other authorized officer as may be designated from time to time.
 - (d) **"Authorized person"** means Public information Officer, State Public Information Officer and Assistant Public Information Officer designated as such for the Court.
 - (e) **"Applicant"** means the person making request for and applying online for any information under the Act.
 - (f) **"Court"** means the High Court of Sikkim and includes the District Courts.
 - (g) **"District Court"** means and includes the courts established and functioning under the control and supervision of the High Court.

- (h) **“High Court”** means the High Court of Sikkim.
- (i) **“Online filing”** means filing of online RTI application as prescribed through the Internet and via the web portal of the Court.
- (j) **“PDF”** means an electronic document filed in a portable document format.
- (k) **“Physical filing”** means filing of RTI application physically.
- (l) **“Registry”** means the Registry of the High Court or the District Court, as the case may be.
- (m) **“Section”** means section of the Act.
- (n) **“Working Day”** means and includes a day when the Registry of the Court is working as per the Calendar published by the Court.
- (o) Words and expressions used in these Rules but not defined herein, shall have the same meaning as assigned to them in the Act.

3. General Instructions and Guidelines.

- 3.1. Online RTI application shall be made by visiting the web portal of the Court, namely <https://hcs.gov.in>
- 3.2. Any person who is unable to access the court website or the online RTI web portal would be entitled to make use of the facilities provided at the Designated Counters for that purpose upon payment of charges, if stipulated.
- 3.3. The Right to Information (RTI) portal shall facilitate submission of RTI application online and checking the status online.
- 3.4. The online RTI application facility shall be available in addition to the existing system of filing of RTI applications through physical mode.
- 3.5. The online RTI web portal can be used only by Indian citizens to file application, First Appeal and to make payment for Fees, Copying Charges, etc., under the Right to Information Act, 2005 (RTI Act) and the rules/regulations thereunder.
- 3.6. An applicant who desires to obtain information under the RTI Act from the High Court or the District Courts of the State shall make RTI application through the online RTI web portal of the High Court or the concerned District Court, as the case may be, which can be accessed through the website or by using the prescribed link.
- 3.7. After visiting the online RTI web portal, the applicant shall first create login ID and password by signing up and entering the necessary details as may be prescribed. Once log in is successful he becomes a registered user. He shall then click on the “Apply” button, and then fill the required details on the web page that will appear. Please note that all the fields marked * (red colour Asterix) are mandatory while the others are optional.
- 3.8. The text of the application may then be written in the prescribed column of the portal.
- 3.9. Any supporting documents/annexures can be attached as PDF document(s) in/under “Supporting document” within the specified file size, if any.
- 3.10. After filling the first page, the applicant has to click on the tab/button “Make Payment” to make payment of the prescribed RTI fee.
- 3.11. The applicant can pay the prescribed fee through the following modes:-

1. Internet banking;
 2. Using credit/debit card of Master Card/Visa/Rupay;
 3. UPI;
 4. Any other, as may be prescribed from time to time.
- 3.12.** Fee for making RTI application: A fee of ₹ 10/- per application is required. However, an applicant under the Below Poverty Line (BPL) is exempted from paying the requisite application fee under the RTI Rules, 2012. An applicant filing an application under the BPL category shall however attach and upload a copy of BPL certificate issued by the appropriate government/competent authority in this regard, along with the application.
- 3.13.** An online application will be duly registered once the requisite fee has been paid successfully, wherever such online payment is mandatory.
- 3.14.** In case after making payment, an applicant does not receive the registration number he should wait for the next 24-48 hours as registration number will be generated after reconciliation. The applicant shall however not retry or make an additional attempt to make payment again. If an applicant does not receive the registration number within 24-48 hours, he may send an e-mail at the e-mail address of the Administrator or the State Public Information Officer (SPIO) along with transaction details.
- 3.15.** If the online RTI application is successfully submitted by the applicant a unique registration/diary number would be generated and the same should be referred and used by the applicant for any future references and correspondences regarding the matter.
- 3.16.** The application filed through the online RTI web portal would reach electronically to the State Public Information Officer (SPIO) of the High Court or the District Court, as the case may be.
- 3.17.** In case additional fee/copying charges are required representing the cost for providing information, the SPIO would intimate the applicant and the applicant can pay the same through the concerned payment gateway online.
- 3.18.** In case of First Appeal to the First Appellate Authority, the applicant has to click on the tab "Apply First Appeal" as provided on the concerned webpage and fill up the information as sought on the webpage.
- 3.19.** The registration number of original application has to be used for reference at the time of filing the First Appeal.
- 3.20.** As per RTI Act, no fee is to be paid for First Appeal.
- 3.21.** The applicant or the appellant, as the case may be, should submit his/her mobile number to receive SMS alerts from time to time.
- 3.22.** The applicant/appellant can check the status of RTI Application/First Appeal filed through the online web portal of the High Court or the District Court, as the case may be, by clicking the tab "View Status".
- 3.23.** All mandatory requirements for filing an RTI application and First Appeal as well as other provisions regarding time limit, exemptions etc., as provided in the RTI Act will continue to apply even in case of online RTI application.
- 3.24.** The permissible file format allowed to be uploaded on the online RTI web portal is PDF file.

3.25. Fee/Copying Charges once paid through the online RTI web portal shall not be refunded.

4. General Cautions.

Email is not a secure medium of communication. Any communication and information transmitted by email can be intercepted or read by a third party. An applicant who has any doubt with regard to his online RTI application shall approach the Registry or the designated counters in the Courts for requisite assistance/advice.

5. Power to remove difficulties.

If any difficulty arises in giving effect to the provisions of these Rules including interpretation of any provision thereof the matter shall be referred to the Chief Justice, High Court of Sikkim, whose decision on the matter shall be final.

6. Residual Provisions.

Matters with respect to which no express provision has been made in these Rules, shall be decided by the Chief Justice, High Court of Sikkim consistent with the provisions of the Act and such directions and guidelines as may be issued from time to time.

7. The Guidelines for Use of Online RTI Portal of High Court of Sikkim and District Courts, 2023 shall cease to be in force from the date of coming into force of these Rules.

By Order,

REGISTRAR GENERAL